

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID MARIO DUNCAN;)
Plaintiff,) Civil Action No. 07 - 1126
) District Judge Nora Barry Fischer
v.)
)
CHIEF EDWARD CASSESE; and)
OFFICER KENNEY BUSSARD;)
Defendants)

MEMORANDUM ORDER

This case was initiated by the filing of a Complaint on August 17, 2007 (doc. no. 1) and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Magistrate Judge Lenihan filed a Report and Recommendation on August 6, 2008 (doc. no.17) recommending that Plaintiff's Complaint be dismissed for failure to prosecute. Plaintiff was served with the Report and Recommendation and advised that he was allowed until August 25, 2008 to file written objections to the Report and Recommendation. No Objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 12th day of September, 2008;

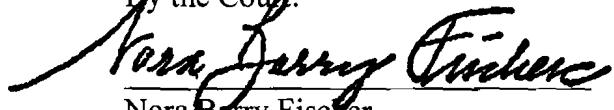
IT IS HEREBY ORDERED that this action is **DISMISSED FOR FAILURE TO PROSECUTE**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no.17) of Magistrate Judge Lenihan dated August 6, 2008, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:



Nora Barry Fischer
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

David Mario Duncan, DL 5755
18 5th Avenue
Ford City, PA 16226